

Land Purchase (Ireland) Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

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[Bill 340.]

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SCHEDULE.

A
B I L L

INTITLED

An Act to provide greater facilities for the Sale of Land to occupying Tenants in Ireland. A.D. 1855.

[NOTE.—The words printed in red ink are proposed to be inserted in Committee.]

[It is proposed to amend Clause 2 by omitting (line 10) the words "the proceeds of property vested in them by the Irish Church Act Amendment Act, 1881, or out of any funds at their disposal not being public moneys," and inserting the words "any funds at their disposal."

It is proposed to amend Clause 4 by extending its provisions to the Landlord and Tenant (Ireland) Act, 1870, and the Land Law (Ireland) Act, 1881.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as the Purchase of Land (Ireland) Act, 1855.

Advances by the Land Commission.

2. For enabling tenants to purchase their holdings, either from the Land Commission or from the landlords of such holdings, the Land Commission may make advances under this Act out of the proceeds of property vested in them by the Irish Church Act Amendment Act, 1881, or out of any funds at their disposal not being public moneys.

Advances to tenants under this Act.

- With respect to advances under this Act, the provisions of Part Five of the Land Law (Ireland) Act, 1881, shall be amended as follows; that is to say,

- (a.) The Land Commission may, if the repayment of the advance is secured by a deposit under this Act (herein-after referred to as a guarantee deposit), and if the Land Commission are satisfied with the security in other respects, make an advance to a tenant who is purchasing his holding of the whole
- [Bill 249.]

A

A.D. 1885.
44 & 45 Vict.
c. 49.

principal sum or price payable by the tenant, instead of the three fourths thereof mentioned in Part Five of the Land Law (Ireland) Act, 1881.

(d.) It shall not be lawful for the Land Commission to make advances under this Act exceeding in all the sum of five 5 million pounds.

Deposit of
money as
guarantee
fund.

3. Any person willing to secure the repayment of an advance made by the Land Commission to a tenant who is purchasing his holding either from the Land Commission or from the landlord of such holding may deposit with the Land Commission such sum, 10 as a guarantee deposit, not being less than one fifth of the advance, as may be agreed on between him and the Land Commission.

If the person willing to secure the repayment of such advance is a landlord entitled to be paid by the Land Commission, or out of moneys provided by the Land Commission, any sum for the purchase money of any land sold by him, he may provide such guarantee deposit by permitting the Land Commission to retain the same out of such sum so payable for purchase money. 15

The Land Commission shall pay interest on the guarantee deposit at the rate of three per cent. per annum. 20

Subject to the other provisions of this Act, the Land Commission shall retain the guarantee deposit until a sum equal to the deposit, has been repaid, and shall then pay over the guarantee deposit to the person entitled thereto.

If at any time during the period for which the Land Commission 25 are authorized to retain the guarantee deposit any sum due to the Land Commission in respect of an advance secured by a guarantee deposit under this Act is declared by them, by order, to be an irrecoverable debt, the Land Commission may apply the guarantee deposit in discharge or reduction of such irrecoverable debt. 30

Whenever the Land Commission apply a guarantee deposit or any part of it in discharge or reduction of any sum charged upon a holding, it shall be lawful for the Land Commission, by order, to declare that the interest in the holding of the person liable to pay such sum shall be charged in favour of the person entitled to the 35 guarantee deposit with the amount of the guarantee deposit, or so much thereof as has been so applied by the Land Commission as aforesaid, with interest thereon at the rate of three per centum per annum until such charge is realised.

Trustees entitled to receive the purchase money produced by the 40 sale of any settled land may, and shall if required by the tenant for life of the settled land, or the person having the powers of a tenant for life within the meaning of the Settled Land Act, 1882, secure, by a guarantee deposit, the repayment of an advance made

for the purchase of any holding being or forming part of such settled land, and may apply or permit the Land Commission to retain so much of the purchase money as the trustees or such tenant for life or other person may think fit for that purpose.

A.D. 1883.

- 5 4. With respect to advances to be made under this Act, the provisions of Part Five of the Land Law (Ireland) Act, 1881, shall be amended as follows:

Terms of repayment of advances.
35 & 34 Vict.
c. 46.
44 & 45 Vict.
c. 49.

- 10 (a.) Every such advance shall be repaid by an annuity in favour of the Land Commission for forty-nine years, of four pounds for every hundred pounds of such advance, and so in proportion for any less sum, instead of by the annuity mentioned in the said Act.

- 15 (b.) Every such annuity, or any portion of it at any time outstanding, may be redeemed by the person liable to pay such annuity, by payment to the Land Commission of a sum equivalent to the then value of such annuity or of such portion of it; such value to be calculated according to the table in the Schedule to this Act.

- 20 (c.) The repayment of every advance under this Act shall be secured to the Land Commission by deed. It shall be the duty of the Land Commission to exercise the power conferred upon mortgagees by the first sub-section of the nineteenth section of the Conveyancing and Law of Property Act, 1881, or any power for the same purpose contained in such deed.

- 25 (d.) Subject to the amendments contained in this Act, the provisions of Part Five of the said Act shall apply to all advances under this Act.

Where a holding is sold by the Land Judges to the tenant of that holding, the sale may, for the purpose of advances under this Act,
30 and of guarantee deposits under this Act, be deemed to be a sale by a landlord to a tenant.

Sales of Land.

5. The Irish Land Commission, if they have reasonably satisfied themselves that a resale can be effected without loss, may purchase
35 any estate for the purpose of reselling to the tenants of the lands comprised in such estate their respective holdings, and may purchase any holding for the purpose of reselling it to the tenant thereof.

Purchase of estates and holdings.

The tenant of any holding may purchase such holding, and before or after completing the agreement for such purchase may apply to
40 the Land Commission for an advance.

If the vendor of such estate or holding is a tenant for life, or has the powers of a tenant for life, and the land proposed to be sold is settled land, within the meaning of those expressions as used in the

A.D. 1885. Settled Land Act, 1882, he shall have all the powers conferred upon
 45 & 46 Vict. tenants for life under that Act, subject to the amendments thereof
 c. 38. herein contained, and to the other provisions of this Act; and the
 purchase money arising from such sale may be invested or applied
 as if it were capital money arising under the said Act. 5

Power to
 tenant for
 life to leave
 part of pur-
 chase money
 outstanding.
 45 & 46 Vict.
 c. 38.

6. Where a landlord of a holding is a tenant for life, or has the
 powers of a tenant for life within the meaning of those expressions
 as used in the Settled Land Act, 1882, and is selling such holding
 to the tenant thereof, he may exercise, to the same extent as if he
 were an absolute owner, the power of permitting any sum not 10
 exceeding one fourth of the purchase money to remain as a charge
 upon such holding secured by a mortgage; and in case any advance
 is made by the Land Commission to the tenant for the purchase of
 such holding, any such mortgage shall be subject to any charge in
 favour of the Land Commission for securing such advance; and 15
 any such mortgage shall be deemed to be part of the purchase
 money payable in respect of such holding, and the money secured
 thereby when paid shall be dealt with as if it were capital money
 arising under the Settled Land Act, 1882, or purchase money
 otherwise payable under this Act. 20

45 & 46 Vict.
 c. 38.

This section shall apply to the trustees of any settlement in the
 same manner as it applies to a tenant for life.

Sale of
 residues.

7. Where the Land Commission have purchased an estate, they
 may sell any parcels which they do not sell to the tenants thereof, in
 such manner as they think fit. 25

The Land Commission may advance to any purchaser of a parcel
 under this section, on the security of such parcel, one half of the
 principal sum paid as the price.

Subject to that limitation on the amount of the advance, all the
 provisions of this Act relative to sales and advances to tenants by 30
 the Land Commission shall apply to the sale of a parcel in pursuance
 of this section in like manner as if the parcel had been a holding and
 the purchaser had been tenant thereof at the time of his making his
 purchase.

Vesting
 order in lieu
 of convey-
 ance.

8. When a holding has been sold by the Land Commission to 35
 a tenant or other person, also when a holding has been sold by a
 landlord to a tenant, and it has been agreed between the Land
 Commission and the landlord and the tenant that such sale shall
 be carried into effect by means of a vesting order of the Land
 Commission under this Act, it shall be lawful for the Land 40
 Commission, if they think fit, after due investigation of title and
 being satisfied therewith, to make an order under their seal and
 signed by a Commissioner vesting the holding, or the interest of

any person or of the Land Commission in such holding, in the purchaser, subject to such charges, rights, and easements, as may be specified in such order; or, if the vesting order so declares, subject to such charges, rights, and easements as may lawfully affect such holding.

Every order purporting to vest a holding or interest in a purchaser which purports to be made by the Land Commission in exercise of the powers conferred on them by this Act shall be binding upon all persons claiming any estate or interest in the land comprised in the holding, including Her Majesty, her heirs and successors, and shall be as effectual in all respects, save as hereinafter provided, as if it were a conveyance or assignment executed by one of the Land Judges of the Chancery Division of the High Court of Justice in Ireland under the Landed Estates Court Act: Provided, that where the purchaser of a holding is also tenant of the holding the interest vested in him by such order shall, subject to any charges, rights, or easements set out in the order, be deemed to be a graft upon the previous interest of the tenant in the holding, and be subject to any rights or equities arising from its being such graft.

The enactments of this section relative to the operation and effect of a vesting order purporting to vest a holding, shall apply to an order purporting to vest an interest in a holding, so far as relates to such interest.

9. (1.) The Land Commission may if they think fit declare by their order that the sale of any holding is made subject—

(a) to any chief rent or fee-farm rent payable out of the lands comprised in the holding,

(b) to any annuity charged upon the holding in favour of the Land Commission,

(c) to any other mortgage or charge which the Land Commission may think fit should remain thereon.

(2.) The Land Commission may, if they think fit, after due and sufficient inquiry, declare by their order that the sale is made subject to any rights of common, rights of way, or other rights or easements which the Land Commission find to affect such holding; and in that case the rights and easements so declared shall be the only rights or easements affecting the holding; or they may abstain from making any such declaration, and in that case the holding shall be deemed to be sold subject to such rights of common, rights of way, and other rights or easements as may lawfully affect the same.

(3.) The provisions of the sixty-second section of the Landed Estates Court Act relative to tithe rentcharge, quitrent, Crown rent, and charges in favour of the Commissioners of Public Works

A 11, 111.

Charges and rights subject to which the sale may be made.

A.D. 1885. not being prejudiced or affected by the conveyances therein mentioned, and relative to the redemption of such quitrent, Crown rent, and charges, shall apply to vesting orders under this Act.

(4.) Where the land comprised in any holding is subject to any mortgage, incumbrance, or charge, the Land Commission shall, 5 before sanctioning or completing the sale of such holding, give such notice to the mortgagee, incumbrancer, or person interested as may be prescribed by rules of the Land Commission.

(5.) In the case of a sale by a landlord to a tenant, where it is agreed that the sale shall be carried into effect by a vesting order 10 of the Land Commission, such vesting order may be made at any time after the contract for sale is complete; but the purchase money shall, whenever necessary, be retained and dealt with in the manner provided by this Act.

Powers of
Land Com-
mission in
cases of
sales.
21 & 22 Vict.
c. 72.

10. In every case in which a holding is sold by the Land Com- 15 mission to a tenant or other person; also in every case in which a holding is sold by a landlord to a tenant, and it is agreed that such sale shall be carried into effect by a vesting order of the Land Commission, the Land Commission shall have the jurisdiction and powers which are vested in the Land Judges of the Chancery 20 Division of the High Court by the following sections of the Landed Estates Court Act, and those sections shall be incorporated with this Act, as if the Land Commission were therein referred to, and as if the purposes of those sections included the purposes of this Act, that is to say:— 25

Section thirty-seven, relating to the jurisdiction and powers of the Court, so far as may be necessary for enabling the Land Commission to discharge any of the duties imposed on them by this Act.

Sections sixty-four and sixty-five, relating to the application, 30 retention, and investment of purchase money.

Section sixty-six, relating to the appointment of trustees.

Sections sixty-eight and sixty-nine, relating to Crown rent, and quit-rent, and incumbrances and charges.

Section seventy, relating to the payment of purchase money into 35 Court in certain cases. Money may be paid into Court under that section, in all cases in which the Land Commission think it expedient, and when paid in, may be invested or applied as if it were capital money arising under the Settled Land Act, 1882, and were paid into Court under that Act; or, if the Land 40 Judges so order, as if it were money paid into Court under the said section of the Landed Estates Court Act.

Section seventy-two, relating to apportionment of rent, and in that section the term "rent" shall include a fee-farm rent. A.D. 1883.

Section seventy-three, relating to persons under disability.

Section seventy-six, relating to the abatement of proceedings.

- 5 11. When the capital money arising from any sale under this Act is retained by the Land Commission, the income thereof shall be paid by them to the vendor or other person entitled thereto. Appropriation of income and capital money.

The Land Commission shall make orders for the payment of such purchase money to any persons found by the Land Commission to be entitled thereto.

Save as expressly provided by this Act, nothing herein contained shall affect the rights of any incumbrancer, or other person interested in any estate or holding sold, to the capital money arising from such sale.

- 15 12. When the tenant for life of any settled land, or a person having the power of a tenant for life, is desirous to sell the land, or any part, to the Land Commission, and there are no trustees of the settlement for the purposes of the Settled Land Act, 1882, or it is expedient that new trustees should be appointed, it shall be lawful
20 for the Land Commission to appoint fit persons to be trustees of the settlement for the purposes of that Act. Appointment of trustees for purchase of reversion, &c., by the Land Commission.

Whenever, for the purposes of purchasing any estate for resale to the tenants thereof, it appears to the Land Commission expedient so to do, the Land Commission may purchase any land or hereditament held in connexion with such estate or any rent issuing out of it;
25 or may purchase up or obtain the release of any right, easement, charge, or incumbrance affecting it.

13. On every sale, when an advance is made by the Land Commission to the purchaser, the Land Commission shall charge
30 the purchaser with one gross sum, which shall include the advance, the stamp duty on the vesting order or conveyance, if any, made by the Land Commission, and the stamp duty and fees payable for registering such vesting order or conveyance. Sums to be for a gross sum. Stamp duty.

The Land Commission shall register in the Registry of Deeds in
35 Dublin, all vesting orders and conveyances executed by them under this Act.

A landlord negotiating for the sale to the Land Commission of a holding or estate shall furnish the abstract of his title and verify the same to the satisfaction of the Land Commission at his own cost.

- 40 No charge shall be made in respect of any investigation by the Land Commission of the title of either the vendor or the purchaser of any holding.

A.D. 1885.

Power to
sell subject
to annuity.

14. Any sale of a holding by the Land Commission under the thirtieth section of the Land Law (Ireland) Act, 1881, or under any power of sale, may, notwithstanding anything contained in that section, be made subject to the future payment of the annuity payable in respect of such holding, and in that case no part of the proceeds of such sale shall be applied in redemption of the said annuity; but, save as aforesaid, such proceeds shall be applied in the manner provided by that section.

Injunction
to get pur-
chaser in
possession.

15. When any holding is sold by or at the suit of the Land Commission, the High Court of Justice in Ireland, or the Land Commission, or the county court of the county in which such holding is situate, may on the application of any purchaser, issue an order to the sheriff to put such purchaser in possession of the holding or part thereof purchased by him, and such order shall be executed by the sheriff in like manner as a writ for the delivery of possession.

Supplemental Provisions.

Charge upon
the Irish
Church Sur-
plus Fund.
44 & 45 Vict.

16. (1.) All the property vested in the Irish Land Commission under the Irish Church Act Amendment Act, 1881, is hereby made subject to a charge in favour of the Land Commission of the amount of any loss sustained by them in carrying into effect the provisions of this Act relative to advances secured by guarantee deposits; subject, however, to any charges, incumbrances, or liabilities affecting such property at the time of the passing of this Act.

(2.) The Land Commission shall, annually or at such other intervals as the Treasury may order, make a return to the Treasury of the cases in which a loss has been sustained by the Land Commission in respect of such advances as are referred to in this section. In calculating the amount of such loss, regard shall be paid to loss of interest sustained owing to delays in the repayment of such advances. The Land Commission shall not include in that return any advance secured upon a holding, unless they have first put in force any power of sale of that holding which they may by law exercise, nor unless they have applied the guarantee deposit by which such advance is secured in the manner in which this Act directs that a guarantee deposit shall be applied when a sum is declared by the Land Commission to be an irrecoverable debt.

(3.) The Land Commission shall from time to time under the directions of the Treasury allocate or apply the property vested in them under the said Irish Church Act Amendment Act, 1881, and charged under this section, in making good the losses upon the advances comprised in such return: Provided, that nothing contained

in this section shall prejudice the charges, incumbrances, or liabilities affecting such property at the time of the passing of this Act.

A.D. 1885.

17. In addition to the three persons named as commissioners in the Land Law (Ireland) Act, 1881, Her Majesty may, by warrant under the Royal Sign Manual, appoint two other persons to be members of the Irish Land Commission.

Additional
members and
officers of
the Land
Commission.

Such persons shall continue in office for the period of three years from the date of their respective appointments, and shall be paid an annual salary of two thousand pounds.

- 10 The provisions of the Land Law (Ireland) Act, 1881, which relate to the members of the Irish Land Commission, other than the Judicial Commissioner, shall apply to each of the persons so appointed, and to every person appointed as herein-after provided to a vacancy in his office, as if he had been named in the said Act a member of the
15 Land Commission other than the Judicial Commissioner.

- Whenever during the said period of three years any vacancy occurs in the office of either of the persons so appointed by his death, resignation, inability to act, or otherwise, or of any person appointed in his place, Her Majesty may, if she think fit, by warrant
20 under the Sign Manual appoint some fit person to fill such vacancy: The person so appointed shall continue in office only so long as the person in whose place he is appointed would have done.

- The Lord Lieutenant may from time to time by order direct that the additional members of the Land Commission appointed under
25 this Act, or such member or members of the Land Commission as he thinks fit, shall specially attend to the business imposed upon the Land Commission by this Act.

- Any person so nominated for the time being may act in the name of the Land Commission in carrying this Act into effect;
30 and anything done by him shall be as valid and effectual as if it were done by the Land Commission.

- Notwithstanding the appointment of additional Land Commissioners under this Act, any matter or thing which under the Land Law (Ireland) Act, 1881, was required to be done by three
35 members of the Land Commission sitting together, may be done by any three members sitting together; and any matter or thing which might lawfully be done under the said Act by three members or any less number, may still be done by any three members or any less number, of the Land Commission.

- 40 A barrister-at-law or solicitor shall not be deemed to have retired from practice by reason of his having been appointed and having acted as a commissioner or assistant commissioner under the Land Law (Ireland) Act, 1881, or this Act.

A.D. 1885. The Lord Lieutenant, with the consent of the Treasury, may from time to time appoint a solicitor to aid the Land Commission in carrying into effect the duties imposed upon them by this Act, with such salary or remuneration as the Treasury may sanction.

Officers of
Landed
Estates
Court may be
transferred
to or various
officers of
the Land
Commission.

18. For the purpose of carrying this Act into effect, any officer 5
attached to the court of either of the Land Judges of the Chancery
Division of the High Court may, by order of the Lord Chancellor,
with his own consent, be transferred to the office of the Land Com-
mission, or may, by virtue of a like order, with the like consent,
serve as an officer of the Land Commission; and may discharge 10
such duties under this Act as the Land Commission may assign to
him; and may be awarded in either case such remuneration for his
services as the Treasury may determine.

Receivership
Jurisdiction
of the Land
Judges.

19. Whenever either or both of the existing Land Judges of the
Chancery Division of the High Court of Justice in Ireland shall die, 15
resign, or otherwise vacate his office, and in the meantime in the
case of the illness, absence, or other inability of the said judges, or
either of them, to discharge the duties imposed upon them, or either
of them, by the seventy-fifth section of the Supreme Court of Judica- 20
ture Act (Ireland), 1877, all such duties, or any of them, may be dis-
charged by or under the directions of any judge or judges of the High
Court of Justice named and assigned for that purpose by the Lord
Chancellor, and the Lord Chancellor may from time to time, by
order under his hand, name and assign a judge or judges for that
purpose; provided that no judge appointed before the passing of 25
this Act shall be so named or assigned without his own consent.

40 & 41 Vict.
c. 47.

Addition to
the staff of
the Land
Commission.

20. The Land Commission may from time to time, with the
consent of the Lord Lieutenant and the Treasury, appoint or employ
such counsel, examiners, solicitors, clerks, and persons as they think
necessary for enabling them to carry into effect the provisions of 30
this Act.

Rules.

21. Rules for carrying this Act into effect shall be deemed to be
rules under the Land Law (Ireland) Act, 1881, and shall be made
by the Land Commission accordingly.

Repeal of
provisions
inconsistent
with this
Act.

22. So much of the forty-eighth section of the Land Law (Ireland) 35
Act, 1881, as enacts that an appeal from the Land Commission to
the Court of Appeal in Ireland shall not be permitted in respect of
any matter arising under Part Five of that Act; also so much of the
same section as enacts that nothing therein contained shall authorise
the Land Commission to determine any question or to exercise any 40

power of a judge in relation to any purchase of an estate by them, or to the purchase of a holding through the medium of the Land Commission, shall be and is hereby repealed. A.D. 1865.

23. Nothing contained in this Act shall restrict the powers of the Land Commission under the Land Law (Ireland) Act, 1881.

Saving for the Land Law (Ireland) Act, 1881, 44 & 45 Vict. c. 49.

Nothing contained in this Act relative to the making of vesting orders by the Land Commission shall prevent the Land Commission from conveying or assigning any land or holding in the same manner as they might have done if this Act had not been passed.

24. In this Act, unless there is something in the context repugnant thereto—

Interpretation.

The expression "the Landed Estates Court Act" means the Act of the session of the twenty-first and twenty-second year of the reign of Her present Majesty, chapter seventy-two, intituled "An Act to facilitate the sale and transfer of land in Ireland," as amended by any Act or Acts.

The expressions "the Treasury," "the Lord Chancellor," and the "Land Commission," mean respectively the Commissioners of Her Majesty's Treasury, the Lord High Chancellor of Ireland, and the Irish Land Commission.

Other expressions have the same meanings respectively as in the Land Law (Ireland) Act, 1881.

A.D. 1885.

SCHEDULE.

REDEMPTION TABLE.

A TABLE showing the amount that will redeem an annual instalment of Four pounds due after the expiration of the under-mentioned number of complete years from the payment of the redemption money. 5

Interval of Years.	Amount of Redemption money.	Interval of Years.	Amount of Redemption money.	
48	£ s. d. 0 19 5	24	£ s. d. 1 19 5	
47	1 0 0	23	2 0 7	10
46	1 0 7	22	2 1 10	
45	1 1 2	21	2 3 1	
44	1 1 10	20	2 4 4	
43	1 2 0	19	2 5 8	
42	1 3 2	18	2 7 0	15
41	1 3 10	17	2 8 5	
40	1 4 7	16	2 9 11	
39	1 5 4	15	2 11 5	
38	1 6 1	14	2 12 11	
37	1 6 10	13	2 14 6	20
36	1 7 8	12	2 16 2	
35	1 8 6	11	2 17 10	
34	1 9 4	10	2 19 7	
33	1 10 2	9	3 1 4	
32	1 11 1	8	3 3 2	25
31	1 12 0	7	3 5 1	
30	1 13 0	6	3 7 0	
29	1 14 0	5	3 9 1	
28	1 15 0	4	3 11 1	
27	1 16 1	3	3 13 3	30
26	1 17 2	2	3 15 5	
25	1 18 3	1	3 17 9	

